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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

RRE VIP BORROWER, LLC,

Plaintiff

v.

BINGHAM BUILDING LIMITED
PARTNERSHIP, et al.

Defendants.

CASE NO. 1:10-cv-00793

JUDGE KATHLEEN M. O'MALLEY

AGREED ORDER

This matter is before the Court on Plaintiff's Motion Regarding Preliminary Judicial Report (Doc No. 3) (the "Motion"). Plaintiff moves for an Order excusing it from the requirement of purchasing a Preliminary Judicial Report ("PJR") as required by the Court's Sixth Amended General Order No. 2006-16 because the cost in this instance would be excessive. Plaintiff asserts that this case presents a unique instance in which the fee for a PJR would cost far more than a commitment for an owner's policy of title insurance ("Insurance Commitment") due the disparity between the value of the subject real property and the outstanding principal balance of the mortgage debt. Accordingly, instead of purchasing a PJR, Plaintiff requests that it be permitted to purchase an Insurance Commitment in accordance with the requirements of Ohio Revised Code § 2329.191(C).

Plaintiff and Defendant Bingham Building Limited Partnership having agreed to the relief granted herein, and no other Defendants having objected or otherwise responded to the Motion, Plaintiff's Motion is granted and it is therefore ORDERED that:

1. Plaintiff is excused from the necessity of filing a PJR in this instance;

2. Plaintiff will purchase an Insurance Commitment in accordance with Ohio Revised Code § 2329.191(C), which requires that the Insurance Commitment be in the name of the successful bidder at foreclosure sale, include the amount of the successful bid at foreclosure sale, and not expire until thirty (30) days after the recordation of the deed by the officer conducting the foreclosure sale. If Plaintiff is not the successful purchaser at foreclosure sale, the purchaser will have the option of paying the premium for the insurance policy in accordance with the Insurance Commitment.

3. Plaintiff will file a Notice with this Court within five (5) days of receiving the Insurance Commitment, and in any event will file such Notice within seven (7) days before any scheduled foreclosure sale of the subject real property.

IT IS SO ORDERED.

Dated: 4-30-10


Judge Kathleen M. O'Malley

Approved by:

SCHOTTENSTEIN, ZOX & DUNN CO., LPA

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